



know Your Rights



TENANTS' RIGHTS - PART II

If you are a person who pays rent, you have some rights under local and state laws, which you should be aware of. Some of these laws deal with rent increases, some with conditions in your apartment, some with security deposits or other concerns.

The state law which spells out your rights is called the "Truth In Renting" Law. It was passed in 1976. Copies of the law are supposed to be given by the landlord to each new tenant. If the landlord does not do this, he or she might have to pay a fine of \$100.00 if you want to get a copy the Truth in Renting Law is available from: Department of Community Affairs, office of Landlord Tenant Relations, **CN 809**, Trenton, N.J. 08625-0809 for 50 cents.

The local law, which covers tenant rights, is the Newark Rent Control Law. This law was passed in 1973, however it has been changed several times. Copies are available from the Newark Rent Control Board, 32 Green St. 733-6362 for the cost of copying. There is also City code enforcement laws and health department laws, which protect tenants.

This article describes some of the rights, which you have as a tenant. There may be laws, which relates to tenants. There may be laws, which apply only to your particular case, or questions, which are not answered here.

As we have said before, if you are a tenant facing a legal action, you should consult a lawyer. If you have to go to court, you should have a lawyer representing you. In addition, just because a law exists, it does not mean that it will be enforced. Tenants must be aware of the laws and work together to get them enforced.

Rent Increases

Under the Newark Rent Control law, the yearly rent increase a landlord is legally entitled to is limited. If the building has 50 apartments or more, the landlord can raise the rent 4% without seeking approval from the Rent Control Board. If the building has 49 apartments or less, the landlord can raise the rent 5% if your rent is increased more than the percentage allowed, you should file a complainant with the Newark Rent Control Board. In addition, the landlord must give you a written notice of your rent increase at least 30 days before you would have to pay the new rent.

Your landlord can only get a larger rent increase than this if he applies to the Newark Rent Control Board, and you must be notified if this happens.

It is important to know that **not all buildings** in Newark are covered by the local Rent Control Law. This has changed over the years, but currently one, two, three, and four family buildings where the **owner lives are not covered**. Public housing is not covered. Many tenants living in privately owned government

Subsidized buildings are not covered. If you are not covered by Rent Control, there are still some legal grounds for challenging a rent increase if the amount the landlord wants is 'unreasonable', or if the increase breaks your lease. You would need to have a lawyer to go to court and fight the increase.

Security Deposits

Under the state law, the security deposit that you give to the landlord when you rent the apartment continues to belong to you, the tenant. The landlord is required to deposit the money in a bank account where it will earn interest. The deposit cannot be mixed in with the landlord's money. The landlord must send you written notice of where your security money is deposited, and you should receive the interest each year (or the interest can be put toward your rental payment). If a tenant moves, the landlord must return the security deposit within 30 days. If this doesn't happen you can go to court to get your money back.

If you live in an owner occupied 2 or 3 family dwelling, you have to send your landlord a letter asking about your security deposit in order to be covered by this law.

Heat and Air Conditioning

Under state law, buildings with 3 or more apartments must provide heat in all rooms.



The temperature must be at least 68 degrees Fahrenheit between the hours of 6 a.m. and 11 p.m. and at least 65 degrees Fahrenheit, between the hours of 11 p.m. and 6 a.m. from October 1 to May 1. (The only exception is when the tenant and landlord have agreed that the tenant supplies his or her own heat

and where the source of heat can be separately billed).

In addition to the same law about heat, Newark's local health laws (1988) say that if the owner is obligated to provide air conditioning in a building, it must be supplied from May 15 to September 15 regardless of the outside temperature. Landlords who break the heat or air conditioning laws are subject to fines of up to \$1000.00 per day, and possible jail sentences.

Functioning Elevators

Newark local law says that in building with an elevator, if the elevator is not working, the landlord is subject to fines of up to \$1000.00 per day, unless the elevator service is repaired within 48 hours after the violation is reported.

Security

Under Newark's local laws, all buildings that gave more than 75 apartments, must have an armed security guard or doorman on the premises on a 24-hour basis.

Window Guards

Under local Newark law, window guards must be installed in any apartments with windows more than 6 feet above the ground, where children 6 months old to 10 years old live. The landlord is required to send notices to the tenants to see if children of this age live there. The Director of Land Use Control is responsible to notify the landlords about this law. If this law is broken, the landlord can be fined up to \$1000.00 a day or put in jail.

Building Ownership

Sometimes tenants have trouble finding out who is the current owner in their buildings. Under state law, all buildings with 3 or more apartments must send this statement to register with the Bureau of Housing Inspection in Trenton. This statement must be posted in a conspicuous place in the building and must list:

- A) The current owner's and names if it is a partnership.
- B) The registered agent and corporate officers if it is a corporation.
- C) An emergency number to call.

- D) Every holder of a mortgage on the building.
- E) Regular maintenance personnel. Person who is authorized to accept "service of process" (to receive legal papers) if there are changes in this statement, the landlord has 20 days to update his statement. The landlord is subject to fines and other penalties under this law.

Local Newark law (1987) also requires that the owner of rental property post an "ownership information" notice which he or she is to get from the Department of Land Use Control. This notice is supposed to be posted in the common areas of the building near the principal entrance, and there are fines that can be given if the landlord doesn't post this information.

Building Registration

Under the Newark Rent control law, all buildings, which are covered by the rent control law, are required to list basic information with the Rent Control Board. This includes a list of apartments and the current rents being paid for each apartment and the current rents being paid for each apartment. If you are moving into a rent controlled building, you may want to check on what the prior rent was. This may help you from having to pay or rent than is legally allowed. According to the law this information should be available for public inspection.

Vacant Apartments

It is against Newark law to deliberately hold apartments vacant for more than 30 days if there are eligible tenants who wish to rent the apartments. This law is called the "anti warehousing law".

Rent Rebates or Decreases

Local Newark law says that if the property owner gets a tax reduction, the tenants should get 75% of that reduction (as applied to the portion of taxes you pay, and minus the landlord's reasonable court cost). The landlord must tell tenants within 14 days if he or she has successfully gotten tax reduction, and the tenants should receive their part of the reduction in 30 days.

There is also a \$6 income tax credit for eligible tenants, which you can file for when filing out your tax returns. Under local law if there is a decrease in basic services for which you pay in your building, such as no, heat, no hot water, no elevator, or problems with electricity, plumbing or roof leaks, or non-functioning stoves or refrigerators, you are entitled to decrease in rent in some cases. The Rent Control Law spells out the amount of decrease you might be entitled to and your complaint must go to the Newark Rent Control Board.

Retaliation

The Newark Rent Control Law says that no landlord can bring an eviction action against a tenant just because the tenant is trying to get the Rent Control Law enforced. Of course, the landlord will not admit that this is the case. That is why it is important to keep a record of actions you take to enforce your rights, the dates of all events that take place in the building or your apartment, and copies of correspondence (with dates), in case you have to show in court that, the landlord's actions began after you began enforcing your tenants rights. There is also a state law, the "Landlord/Tenant Reprisal Act" which protects tenants.

Getting Repairs Made

Under state law, tenants have the right to "repair and deduct". This means that after the tenant has notified the owner in writing about a problem in the apartment, and it has not been repaired within a reasonable amount of time, tenants can pay for getting the repairs made themselves, keep all the bills and receipts, and deduct that amount from their rent. This procedure has to be used carefully, and correctly. It is best to talk to a lawyer on how to go about it. Many basic repairs or problem in apartments actually are health violations, for example, the existence of mice or roaches, serious plumbing leaks, or lack of heat. You can call the City health department or the City code enforcement department. They will inspect the building, and may file a

complaint against your landlord. If he does not make the repairs within a "reasonable" time, they may take him to court. If you call for an inspection, you will then need to follow up, get a copy of the inspection report, and find out when the case will go to court and be if possible.

There are other strategies you can use to get the landlord to repair you apartment. a good rule to follow id to take pictures of the problem (and date each picture), and to inform the landlord of any problems **in writing**. Make sure you keep copies of all correspondence. Tenants usually have the most success in stopping a rent increase, or getting building repairs, when they work together in tenant organizations such as **the Coalition To Save Rent Control in Newark**, you can contact them by calling Nancy Zak, 344-7210, or Frank Hutchins, 643-7711.